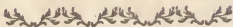
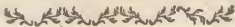


CONSIDERATIONS
ON THE
INJUSTICE AND IMPOLICY
OF
PUNISHING MURDER BY DEATH.


EXTRACTED FROM THE
AMERICAN MUSEUM.



WITH ADDITIONS.



By BENJAMIN RUSH, M. D.
PROFESSOR OF THE INSTITUTES, AND OF CLINICAL MEDICINE,
IN THE UNIVERSITY OF PENNSYLVANIA.



PHILADELPHIA:
FROM THE PRESS OF MATHREW CAREY.
MAY 4—M.DCC.XCII.

CONSIDERATIONS, &c.

IN an essay upon the effects of public punishments upon criminals and upon society, published in the second volume of the American Museum, I hinted, in a short paragraph, at the injustice of punishing murder by death. I shall attempt in the following essay, to support that opinion, and to answer all the objections that have been urged against it.

I. Every man possesses an absolute power over his own liberty and property, but not over his own life. When he becomes a member of political society, he commits the disposal of his liberty and property to his fellow citizens; but as he has no right to dispose of his life, he cannot commit the power over it to any body of men. To take away life, therefore, for any crime, is a violation of the first political compact.

II. The punishment of murder by death, is contrary to reason, and to the order and happiness of society.

1. It lessens the horror of taking away human life, and thereby tends to multiply murders.

2. It produces murder, by its influence upon people who are tired of life, and who, from a supposition, that murder is a less crime than suicide, destroy a life (and often that of a near connexion) and afterwards deliver themselves up to justice, that they may escape from their misery by means of a halter.

3. The punishment of murder by death, multiplies murders, from the difficulty it creates of convicting persons who are guilty of it. Humanity, revolting at the idea of the severity and certainty of a capital punishment, often

steps in, and collects such evidence in favour of a murderer, as screens him from justice altogether, or palliates his crime into manslaughter. If the punishment of murder consisted in long confinement, and hard labour, it would be proportioned to the measure of our feelings of justice, and every member of society would be a watchman or a magistrate, to apprehend a destroyer of human life, and to bring him to punishment.

4. The punishment of murder by death, checks the operations of universal justice, by preventing the punishment of every species of murder. Quack doctors—frauds of various kinds—and a licentious press, often destroy life, and sometimes with malice of the most propense nature. If murder were punished by confinement and hard labour, the authors of the numerous murders that have been mentioned, would be dragged forth, and punished according to their deserts. How much order and happiness would arise to society from such a change in human affairs! But who will attempt to define these species of murder, or to prosecute offenders of this stamp, if death is to be the punishment of the crime after it is admitted, and proved to be wilful murder?—only alter the punishment of murder, and these crimes will soon assume their proper names, and probably soon become as rare as murder from common acts of violence.

5. The punishment of murder by death, has been proved to be contrary to the order and happiness of society by the experiments of some of the wisest legislators in Europe. The empress of Russia, the king of Sweden, and the duke of Tuscany, have nearly extirpated murder from their dominions, by converting its punishment into the means of benefiting society, and reforming the criminals who perpetrate it.

III. The punishment of murder by death, is contrary to divine revelation. A religion which commands us to forgive and even to do good to our enemies, can never authorise the punishment of murder by death. "Vengeance is mine," said the Lord; "I will repay." It is to no purpose to say here, that this vengeance is taken out of the hands of an individual, and directed against the criminal by the hand of government. It is equally an usurpation of the prerogative of heaven, whether it be inflicted by a single person, or by a whole community.

Here I expect to meet with an appeal from the letter and spirit of the gospel, to the law of Moses, which declares, that "he that killeth a man shall surely be put to death."

Forgive, indulgent heaven ! the ignorance and cruelty of man, which by the misapplication of this text of scripture, has so long and so often stained the religion of Jesus Christ with folly and revenge.

The following considerations, I hope, will prove that no argument can be deduced from this law, to justify the punishment of murder by death. On the contrary, that several arguments against it, may be derived from a just and rational explanation of that part of the levitical institutions.

1. There are many things in scripture *above*, but nothing *contrary* to reason. Now, the punishment of murder by death, is *contrary* to reason. It cannot, therefore, be agreeable to the will of God.

2. The order and happiness of society cannot fail of being agreeable to the will of God. But the punishment of murder by death, destroys the order and happiness of society. It must therefore be contrary to the will of God.

3. Many of the laws given by Moses, were accommodated to the ignorance, wickedness, and "hardness of heart" of the Jews. Hence their divine legislator expressly says, "I gave them statutes that were *not good*, and judgments where *by they should not live*." Of this, the law which respects divorces, and the law of retaliation, which required "an eye for an eye, and a tooth for a tooth," are remarkable instances.

But we are told, that the punishment of murder by death, is founded not only on the law of Moses, but upon a positive precept given to Noah and his posterity, that "whoso sheddeth man's blood, by man shall his blood be shed." In order to show that this text does not militate against my proposition, I shall beg leave to transcribe a passage from an essay on crimes and punishments, published by the reverend Mr. Turner, in the second volume of the Manchester memoirs. "I hope," says this ingenious author, "that I shall not offend any one, by taking the liberty to put my own sense upon this celebrated passage, and to enquire, why it should be deemed a precept at all. To me, I confess, it appears to contain nothing more than a declaration of what will generally happen ; and in this view, to stand exactly upon the same ground with such passages as the following : "He that leadeth into captivity shall go into captivity." "He that taketh up the sword, shall perish by the sword*."—The form of expression is exactly the same in

* Rev. xv, 10.

each of the texts ; why, then, may they not all be interpreted in the same manner, and considered, not as commands, but as denunciations ? and if so, the magistrate will be no more bound by the text in Genesis, to punish murder with death, than he will by the text in the Revelations, to sell every Guinea captain to our West India planters ; and yet, however just and proper such a proceeding might be, I suppose no one will assert that the magistrate is bound to it by that, or any other text in the scriptures, or that that alone would be admitted as a sufficient reason for so extraordinary a measure."

If this explanation of the precept given to Noah, be not satisfactory, I shall mention another. Soon after the flood, the infancy and weakness of society rendered it impossible to punish murder by *confinement*. There was therefore no medium between inflicting death upon a murderer, and suffering him to escape with impunity, and thereby to perpetrate more acts of violence against his fellow creatures. It pleased God in this condition of the world to permit a *less* in order to prevent a *greater* evil. He therefore commits *for a while* his exclusive power over human life, to his creatures for the safety and preservation of an infant society, which might otherwise have perished, and with it, the only stock of the human race. The command indirectly implies that the crime of murder was not punished by death in the mature state of society which existed before the flood. Nor is this the only instance upon record in the scriptures in which God has delegated his power over human life to his creatures. Abraham expresses no surprise at the command which God gave him to sacrifice his son. He submits to it as a precept founded in reason and natural justice, for nothing could be more obvious than that the giver of life had a right to claim it *when* and in *such manner* as he pleased. 'Till men are able to give life, it becomes them to tremble at the thought of *taking it* away. Will a man rob God ?—Yes—he robs him of what is infinitely dear to him—of his darling attribute of *mercy*, every time he deprives a fellow creature of life.

4. If the Mosaic law with respect to murder, be obligatory upon christians, it follows that it is equally obligatory upon them to punish adultery, blasphemy, and other capital crimes that are mentioned in the levitical law, by death. Nor is this all : it justifies the extirpation of the Indians, and the enslaving of the Africans ; for the command to the Jews to destroy the Canaanites, and to make slaves of their heathen neighbours, is as positive as the command which

declares, "that he that killeth a man, shall surely be put to death."

5. Every part of the levitical law, is full of types of the Messiah. May not the punishment of death, inflicted by it, be intended to represent the demerit and consequences of sin, as the cities of refuge were the offices of the Messiah?

6. The imperfection and severity of these laws were probably intended farther—to illustrate the perfection and mildness of the gospel dispensation. It is in this manner that God has manifested himself in many of his acts. He created darkness first, to illustrate by comparison the beauty of light; and he permits sin, misery, and death in the moral world, that he may hereafter display more illustriously the transcendent glories of righteousness, happiness, and immortal life. This opinion is favoured by St. Paul, who says, "the law made nothing perfect," and that "it was a shadow of good things to come."

How delightful to discover such an exact harmony between the dictates of reason, the order and happiness of society, and the precepts of the gospel! There is a perfect unity in truth. Upon all subjects—in all ages—and in all countries—truths of every kind agree with each other.

It has been said, that the common sense of all nations, and particularly of savages, is in favour of punishing murder by death.

The common sense of all nations is in favour of the commerce and slavery of their fellow creatures. But this does not take away from their immorality. Could it be proved that the Indians punish murder by death, it would not establish the right of man over the life of a fellow creature, for revenge we know in its utmost extent is the universal and darling passion of all savage nations. The practice moreover, (if it exist) must have originated in *necessity*; for a people who have no settled place of residence, and who are averse from all labour, could restrain murder in no other way. But I am disposed to doubt whether the Indians punish murder by death among their own tribes. In all those cases where a life is taken away by an Indian of a *foreign* tribe, they always demand the satisfaction of *life for life*. But this practice is founded on a desire of preserving a balance in their numbers and power; for among nations which consist of only a few warriors, the loss of an individual often destroys this balance, and thereby exposes them to war or extermination. It is for the same purpose of keeping up an equality in numbers and power, that they often adopt captive children into their nations and families. What makes

this explanation of the practice of punishing murder by death among the Indians more probable, is, that we find the same bloody and vindictive satisfaction is required for a foreign nation, whether the person lost, be killed by an accident, or by premeditated violence. Many facts might be mentioned from travellers to prove that the Indians do not punish murder by death within the jurisdiction of their own tribes. I shall mention only one which is taken from the rev. mr. John Megapolensis's account of the Mohawk Indians, lately published in mr. Hazard's historical collection of state papers.—“ There is no punishment, (says our author) here for murder, but every one is his own avenger. The friends of the deceased revenge themselves upon the murderer until peace is made with the next akin. But although they are so cruel, yet there are not half so many murders committed among them as among christians, notwithstanding their severe laws, and heavy penalties.”

It has been said, that the horrors of a guilty conscience proclaim the justice and necessity of death, as a punishment for murder. I draw an argument of another nature from this fact. Are the horrors of conscience the punishment that God inflicts upon murder? why, then, should we shorten or destroy them by death, especially as we are taught to direct the most atrocious murderers to expect pardon in the future world? no, let us not counteract the government of God in the human breast: let the murderer live—but let it be to suffer the reproaches of a guilty conscience: let him live, to make compensation to society for the injury he has done it, by robbing it of a citizen: let him live to maintain the family of the man whom he has murdered: let him live, that the punishment of his crime may become universal: and lastly let him live—that murder may be extirpated from the list of human crimes!

Let us examine the conduct of the moral Ruler of the world towards the first murderer: see Cain returning from his field, with his hands reeking with the blood of his brother! Do the heavens gather blackness, and does a flash of lightning blast him to the earth? no. Does his father Adam, the natural legislator and judge of the world, inflict upon him the punishment of death?—No; the infinitely wise God becomes his judge and executioner. He expels him from the society of which he was a member. He fixes in his conscience a never-dying worm. He subjects him to the necessity of labour; and to secure a duration of his punishment, proportioned to his crime, he puts a mark or prohibition upon him, to prevent his being put to death,

by weak and angry men ; declaring, at the same time, that
 “ whosoever slayeth Cain, vengeance shall be taken on him
 seven-fold.”

Judges, attorneys, witnesses, juries and sheriffs, whose office it is to punish murder by death, I beseech you to pause, and listen to the voice of reason and religion, before you convict or execute another fellow-creature for murder !

But I despair of making such an impression upon the present citizens of the united states, as shall abolish the absurd and unchristian practice. From the connexion of this essay with the valuable documents of the late revolution contained in the American Museum, it will probably descend to posterity. To you, therefore, the unborn generations of the next century, I consecrate this humble tribute to justice. You will enjoy in point of knowledge, the meridian of a day, of which we only perceive the twilight. You will often review with equal contempt and horror, the indolence, ignorance and cruelty of your ancestors. The grossest crimes shall not exclude the perpetrators of them from your pity. You will *fully* comprehend the extent of the discoveries and precepts of the gospel, and you will be actuated, I hope, by its gentle and forgiving spirit. You will see many modern opinions in religion and government turned upside downwards, and many new connexions established between cause and effect. From the importance and destiny of every human soul, you will acquire new ideas of the dignity of human nature, and of the infinite value of every act of benevolence that has for its object, the bodies, the souls, and the lives of your fellow-creatures. You will love the whole human race, for you will perceive that you have a common Father, and you will learn to imitate him by converting those punishments to which their folly or wickedness have exposed them, into the means of their reformation and happiness.

SOON after the above enquiry was published in the *American Museum*, a reply to it made its appearance in the *Pennsylvania Mercury*, under the signature of Philochoras; which produced the following answer. The principal arguments in favour of punishing murder by death, contained in the reply, are mentioned in the answer, for which reason it was not thought necessary to re-publish the whole of the reply in the order in which it appeared in the news paper.

FROM THE AMERICAN MUSEUM.

MR. CAREY,

I HAVE read a reply subscribed Philochoras, to an enquiry into the justice and policy of punishing murder by death, published some time ago in the *Museum*. The author of it has attempted to justify public and capital punishments, as well as war, by the precepts of the gospel.—Let not my readers suppose that this author is a sceptic—or a heathen—or that he is in any degree unfriendly to christianity. Far from it—he is a minister of the gospel—and a man of a worthy private as well as public character.

Our author begins his reply by asserting, that the objection to the punishment of death for murder, proceeded originally from the socinian objection to the great doctrine of the atonement. Here I must acknowledge my obligations to our author for having furnished me with a new argument in favour of my principles. I believe in the doctrine of the atonement, not only because it is clearly revealed in the old and new testaments, but because it is agreeable to nature, and reason. Life is the product of death, throughout every part of the animal creation. Reason likewise establishes the necessity of the atonement, for it has lately taught us in the writings of the marquis of Beccaria, that in a perfect human government there should be *no pardoning power*: and experience has taught us that where *certainty* has taken the place of *severity* of punishment, crimes have evidently and rapidly diminished in every country. The demands of the divine law which made the shedding of blood necessary to the remission of sin, is a sublime illustration of the perfection of the divine government, and of the love of the Supreme Being to his intelligent creatures. But in the demand of *life* for disobedience, let the divine law stand alone. Men stand in a very different relation to each other, from

that which God sustains to men. They are all fallible, and deficient in a thousand duties which they owe to each other. They are bound, therefore, by the precept of doing to others, as they would have them do them, to *forgive*, without a satisfaction, inasmuch as they constantly require the same *forgiveness* to be exercised towards themselves. To punish murder, therefore, or any other crime, by death, under the gospel dispensation, is to exalt the angry and vindictive passions of men to an equality with the perfect law of God. It is to place imperfect individuals and corrupted human governments, upon the throne of the righteous judge of the universe: nay, more—it is to make the death of Christ of no effect; for every time we punish murder by death, we practically deny that it was a full expiation for every sin, and thereby exclude ourselves from deriving any benefit from it, for he has made the forgiveness of injuries, without any exceptions, whether committed against us in our private capacities, or as members of a community, the *express condition* of our title to the forgiveness which he has purchased for us by his death.

The arguments against the punishment of murder by death, from *reason*, remain on an immoveable foundation. Our author has *contradicted*—but has not *refuted* one of them. I affirmed in my former essay, that the punishment of murder by death had been abolished in several of the European nations. I wish for the honour of our author's profession, he had doubted of this assertion with more of the meek and gentle spirit of a christian. To satisfy him upon this subject, I shall subjoin the following extracts from authorities which are now before me.—In the instructions to the commissioners appointed to frame a new code of laws for the Russian empire, by Catharine II. the present empress of Russia, I find the following passage. I take great pleasure in transcribing it, as the sentiments it contains do so much honour not only to the female understanding, but to the human mind.

“ Proofs from facts demonstrate to us, that the frequent use of capital punishments, never mended the morals of a people. Therefore, if I prove the death of a citizen to be neither *useful* nor *necessary* to society in general, I shall confute those who rise up against humanity. In a reign of peace and tranquillity, under a government established with the united wishes of a whole people, in a state well fortified against external enemies, and protected within by strong supports; that is, by its own internal strength, and virtuous sentiments, rooted in the minds of the citizens, there

can be no necessity for taking away the life of a citizen. It is not the excess of severity, nor the destruction of the human species, that produces a powerful effect upon the hearts of the citizens, but the continued duration of the punishment. The death of a malefactor is not so efficacious a method of deterring from wickedness, as the example continually remaining, of a man who is deprived of his liberty, that he might repair, during a life of labour, the injury he has done to the community. The terror of death excited by the imagination may be more strong, but has not force enough to resist that oblivion which is so natural to mankind. It is a general rule, that rapid and violent impressions upon the human mind, disturb and give pain, but do not operate long upon the memory. That a punishment, therefore, might be conformable with justice, it ought to have such a degree of severity as might be sufficient to deter people from committing the crime. Hence I presume to affirm, that there is no man who, upon the least degree of reflexion, would put the greatest possible advantages, he might flatter himself from a crime, on the one side, into the balance against a life protracted under a total privation of liberty, on the other."

In a British review for the present year, I find a short account of the code of penal laws lately enacted by the emperor of Germany. This enlightened monarch has divided imprisonment into *mild—severe—and rigorous*. For the crime of murder, he inflicts the punishment of rigorous imprisonment—which from its duration, and other terrifying circumstances that attend it, is calculated to produce more beneficial effects in preventing murders, than all the executions that have ever taken place in any age or country.

I derived my information of the abolition of capital punishment in Sweden and Tuscany, from two foreigners of distinction, who lately visited the united states. The one was an Italian nobleman, the other was a captain in the Swedish navy—both of whom commanded every where respect and attachment for their abilities and virtues.

It is true, this happy revolution in favour of justice and humanity, in the instances that have been mentioned, did not originate in a convocation or a synod. It may either be ascribed to the light of the gospel shining in "darkness, which comprehended it not"—or to the influence of sound and cultivated reason—for reason and religion have the same objects. They are in no one instance opposed to each other. On the contrary, reason is nothing but imperfect religion, and religion is nothing but perfect reason.

It becomes christians to beware how far they condemn

the popular virtue of humanity, because it is recommended by deists, or by persons who do not profess to be bound by the strict obligations of christianity.—Voltaire first taught the princes of Europe the duty of religious toleration. The duke of Sully has demonstrated the extreme folly of war, and has proved that when it has been conducted with the most glory, it never added an atom to national happiness. The marquis of Beccaria has established a connexion between the abolition of capital punishments, and the order and happiness of society. Should any thing be found in the scriptures, *contrary* to these discoveries, it is easy to foresee that the principles of the deists and the laws of modern legislators will soon have a *just* preference to the principles and precepts of the gospel.

Our author attempts to support his sanguinary tenets by an appeal to revelation. And here I shall make two preliminary remarks.

1. There is no opinion so absurd or impious, that may not be supported by *solitary* texts of scripture. To collect the *sense* of the bible upon any subject, we must be governed by its *whole* spirit and tenor.

2. The design of christianity at its first promulgation was to reform the world by its *spirit* rather than by its positive precepts.

Our Saviour does not forbid slavery in direct terms—but he indirectly bears a testimony against it, by commanding us to do to others what we would have them in like circumstances to do to us. He did not aim to produce a sudden revolution in the affairs of men. He knew too well the power and efficacy of his religion for that purpose. It was unnecessary, therefore, to subject it to additional opposition, by a direct attack upon the prejudices and interests of mankind, both of which were closely interwoven with the texture of their civil governments.

After these remarks, I shall only add, that the declaration of St. Paul before Festus, respecting the punishment of death* and the speech of the dying thief on the cross†, only prove that the punishment of death was agreeable to the Roman law, but they by no means prove that they were sanctioned by the gospel.—Human life was extremely

* “For if I be an offender, and have committed any thing worthy of death, I refuse not to die.” Acts 25 and 31.

† “We indeed” suffer “*justly*, for we receive the due reward of our deeds.” Luke 23 and 41.

cheap under the Roman government. Of this we need no further proof than the head of John the baptist forming a part of a royal entertainment. From the frequency of public executions, among those people, the *sword* was considered as an emblem of public justice—but to suppose from this appeal to a sign of justice, or from our Saviour's parable of the destruction of the husbandmen, that capital punishments are approved of in the new testament, is as absurd as it would be to suppose that horseracing was a christian exercise, from St. Paul's frequent allusions to the Olympic games.

The declaration of the barbarians upon seeing the snake fasten upon St. Paul's hand proves nothing but the ignorance of those uncivilized people. I deny the consent of all nations to the punishment of death for murder—but if it were true—it only proves the universality of the ignorance and depravity of man. Revenge, dissimulation, and even theft, prevail among all the nations in the world,—and yet who will dare to assert, that these vices are just, or necessary to the order or happiness of society.

Our author does not distinguish between the sense of justice so universal among all nations, and an approbation of death as a punishment for murder. The former is written by the finger of God upon every human heart, but like his own attribute of justice, it has the happiness of individuals and of society for its objects. It is always mislaid, when it seeks for satisfaction in punishments that are injurious to society, or that are disproportioned to crimes. The satisfaction of this universal sense of justice by the punishments of imprisonment and labour, would far exceed that which is derived from the punishment of death; for it would be of longer duration, and it would more frequently occur, for, upon a principle laid down in the first essay upon this subject, scarcely any species of murder would escape with impunity.*

* A scale of punishments by means of imprisonment and labour might easily be contrived, so as to be accommodated to the different degrees of atrocity in murder. For example—for the first or highest degree of guilt, let the punishment be solitude and darkness, and a total want of employment. For the second, solitude and labour, with the benefit of light. For the third, confinement and labour. The duration of these punishments should likewise be governed by the atrocity of the murder, and by the signs of contrition and amendment in the criminal.

The conduct and discourses of our Saviour should outweigh every argument that has been or can be offered in favour of capital punishment for any crime. When the woman caught in adultery was brought to him, he evaded inflicting the bloody sentence of the Jewish law upon her. Even the *maiming* of the body appears to be offensive in his sight, for when Peter drew his sword and smote off the ear of the servant of the high priest, he replaced it by miracle, and at the same time declared, that "all they who take the sword, shall perish with the sword." He forgave the crime of murder, on his cross; and after his resurrection, he commanded his disciples to preach the gospel of forgiveness *first* at Jerusalem, where he well knew his murderers still resided. These striking facts are recorded for our imitation, and seem intended to show that the Son of God died, not only to reconcile God to man, but to reconcile men to each other. There is one passage more, in the history of our Saviour's life, which would of itself overset the justice of the punishment of death for murder, if every other part of the bible had been silent upon the subject. When two of his disciples, actuated by the spirit of vindictive legislators, requested permission of him to call down fire from heaven to consume the inhospitable Samaritans, he answered them "the Son of man is not come to *destroy* men's *lives*, but to *save* them." I wish these words composed the motto of the arms of every nation upon the face of the earth. They inculcate every duty that is calculated to preserve—restore—or prolong human life. They militate alike against war—and capital punishments—the objects of which are the unprofitable destruction of the lives of men. How precious does a human life appear from these words, in the sight of heaven! Pause, legislators, when you give your votes for inflicting the punishment of death for any crime. You frustrate, in one instance, the design of the mission of the Son of God into the world, and thereby either deny his appearance in the flesh, or reject the truth of his gospel. You moreover strengthen by your conduct the arguments of the deists and socinians against the particular doctrines of the christian revelation. You do more—you preserve a bloody fragment of the Jewish institution. "The Son of man came not to *destroy* men's lives, but to *save* them." Excellent words! I require no others to satisfy me of the truth and divine original of the christian religion, and while I am able to place a finger upon this text of scripture, I will not believe an angel from heaven, should

he declare that the punishment of death for *any* crime was inculcated, or permitted by the spirit of the gospel.

It has been said, that a man who has committed a murder, has discovered a malignity of heart, that renders him ever afterwards unfit to live in human society. This is by no means true in many, and perhaps in most of the cases of murder. It is most frequently the effect of a sudden gust of passion, and has sometimes been the only stain of a well spent or inoffensive life. There are many crimes which unfit a man much more for human society, than a single murder, and there have been instances of murderers who have escaped or bribed the laws of their country, who have afterwards become peaceable, and useful members of society. Let it not be supposed that I wish to palliate by this remark, the enormity of murder. Far from it. It is only because I view murder with such superlative horror, that I wish to deprive our laws of the power of perpetrating and encouraging it.

Our author has furnished us with a number of tales to show that the providence of God is concerned in a peculiar manner in detecting murder, and that the confessions of murderers have in many instances sanctified the justice of their punishment. I do not wish to lessen the influence of such vulgar errors as tend to prevent crimes, but I will venture to declare, that many more murderers escape discovery, than are detected, or punished. Were I not afraid of trespassing upon the patience of my readers, I might mention a number of facts, in which circumstances of the most trifling nature have become the means of detecting theft and forgery, from which I could draw as strong proofs of the watchfulness of providence over the property of individuals, and the order of society, as our author has drawn from the detection of murder. I might mention instances, likewise, of persons in whom conscience has produced restitution for stolen goods, or confession of the justice of the punishment which was inflicted for theft. Conscience and knowledge always keep pace with each other, both with respect to divine and human laws. A party of soldiers in the duke of Alva's army, murdered a man and his wife with six children. They roasted the youngest child, and dined upon it. One of them after dinner clapped his hands together, and with great agitation of mind cried out "good God—what have I done?"—What? said one of his companions—"why" said the other "I have eaten flesh in lent time." Here conscience kept pace with his degrees of knowledge. The same thing occurs upon different occasions

every day. The acquiescence of murderers in the justice of their execution, is the effect of prejudice and education. It cannot flow from a conscience acting in concert with reason or religion—for they both speak a very different language.

The world has certainly undergone a material change for the better within the last two hundred years. This change has been produced chiefly, by the secret and unacknowledged influence of christianity upon the hearts of men. It is agreeable to trace the effects of the christian religion in the extirpation of slavery—in the diminution of the number of capital punishments, and in the mitigation of the horrors of war. There was a time when masters possessed a power over the lives of their slaves. But christianity has deposed this power, and mankind begin to see every where that slavery is alike contrary to the interests of society, and the spirit of the gospel. There was a time when torture was part of the punishment of death, and when the number of capital crimes amounted to one hundred and sixty-one. Christianity has abolished the former, and reduced the latter to not more than six or seven. It has done more. It has confined in some instances capital punishments to the crime of murder only—and in some countries it has abolished it altogether. The influence of christianity upon the modes of war has been still more remarkable. It is agreeable to trace its progress.

1st. In rescuing women and children from being the objects of the desolations of war in common with men.

2dly. In preventing the destruction of captives taken in battle, in cold blood.

3dly. In protecting the peaceable husbandman from sharing in the carnage of war.

4thly. In producing an exchange of prisoners, instead of dooming them to perpetual slavery.

5thly. In avoiding the invasion or destruction, in certain cases, of private property.

6thly. In declaring all wars to be unlawful but such as are purely *defensive*.

This is the only tenure by which war now holds its place among christians. It requires but little ingenuity to prove that a defensive war cannot be carried on successfully without offensive operations. If this be true, then this last degree of it, upon our author's principles, must be contrary to the spirit of the gospel. Already the princes and nations of the world discover the struggles of opinion or conscience in

their preparations for war. Witness, the many national disputes which have been lately terminated in Europe by negotiation, or mediation. Witness, too, the establishment of the constitution of the united states without force or bloodshed. These events indicate an improving state of human affairs. They lead us to look forward with expectation to the time, when the weapons of war shall be changed into implements of husbandry, and when rapine and violence shall be no more. These events are the promised fruits of the gospel. If they do not come to pass, the prophets have deceived us. But if they do—war must be as contrary to the spirit of the gospel, as fraud, or murder, or any other of the vices which are reprov'd or extirpated by it*.

I cannot take leave of this subject without remarking that capital punishments are the natural offspring of monarchical governments. Kings believe that they possess their crowns by a *divine* right: no wonder, therefore, they assume the divine power of taking away human life. Kings consider their subjects as their property: no wonder, therefore, they shed their blood with as little emotion as men shed the blood of their sheep or cattle. But the principles of republican governments speak a very different language. They teach us the absurdity of the divine origin of kingly power. They approximate the extreme ranks of men to each other. They restore man to his God—to society—and to himself. They revive and establish the relations of fellow-citizen, friend, and brother. They appreciate human life, and increase public and private obligations to preserve it. They consider human sacrifices as no less offensive to the sovereignty of the people, than they are to the majesty of heaven. They view the attributes of government, like the attributes of the deity, as infinitely more honoured by destroying evil by means of *merciful* than by exterminating punishments. The united states have adopted these peaceful and benevolent forms of government. It becomes them therefore to adopt their mild and benevolent

* The spirit of christianity which our author describey as a vulgar deistical species of humanity, has found its way into schools and families, and has abolished, in both, corporal and ignominious punishments. In the instructions to the masters and mistresses of the sundry schools, I observe with great pleasure a direction “to use corporal punishments as seldom as possible.”

principles. An execution in a republic is like a human sacrifice in religion. It is an offering to monarchy, and to that malignant being, who has been stiled a murderer from the beginning, and who delights equally in murder, whether it be perpetrated by the cold, but vindictive arm of the law, or by the angry hand of private revenge.

T H E E N D.